

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31535 of 2020

Arising Out of PS. Case No.-107 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. HARIDWAR CHOURASIYA @ HARIDWAR BARAI S/o Late Kishun Chourasiya @ Kishun Barai Resident of Village- Shivpur, P.S.- Sonhan, District- Kaimur (Bhabua).
2. Ram Bachan Chourasiya @ Ram Bachan Barai S/o Late Kishun Chourasiya @ Kishun Barai Resident of Village- Shivpur, P.S.- Sonhan, District- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Baxi S.R.P. Sinha, Sr. Adv. Mr.Chandra Mohan Jha, Adv
For the Opposite Party/s :		Mr.Kalyan Shankar,APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-12-2020 Heard learned counsel for the parties.

This application for regular bail arises out of Bhabua (Sonhan) P.S. Case No. 107 of 2020, disclosing offence punishable under Section 302 and other allied Sections of the Indian Penal Code.

There are 10 persons named in the FIR, who are members of the same family. Female members have also been implicated. Some dispute relating to immovable property is visible from the FIR itself as the reason behind the occurrence. The informant is the son of the deceased and allegedly the accused persons were objecting to a wall being constructed over



a piece of land. There is specific allegation against co-accused Dadan Chourasiya of having assaulted with an iron rod on the head of the deceased at the instigation of petitioner no. 1. There is allegation that thereafter all the accused persons started assaulting the informant's father and when the informant went there in rescue he was also assaulted.

Mr. Baxi S.R.P. Sinha, learned Senior Counsel appearing on behalf of the petitioners has argued that as regards petitioner no. 1, the only allegation against him is of exhorting others and so far as petitioner no. 2 is concerned, he is said to have participated amongst others in assault but such accusation is vague. He has argued that the petitioners are aged, inasmuch as, petitioner no. 1 is 71 years old and petitioner no. 2 is 74 years old. Both are full brothers. He has also argued that the petitioners are in custody since 17.06.2020 and since charge-sheet has been submitted, no purpose would be served if the petitioners are further compelled to remain in custody. He has also argued that there is no chance of the petitioner's tampering with the evidence.

Considering the aforesaid submission, particularly, the age of the petitioners, the genesis of the occurrence and nature of accusation, this application is allowed.



Let the petitioners, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), each with two sureties of the like amount, each to the satisfaction of learned C.J.M., Kaimur at Bhabua, in Bhabua (Sonhan) P.S. Case No. 107 of 2020.

It is directed that defects in the application pointed out by the Registry must be removed within two months from today.

(Chakradhari Sharan Singh, J)

Rajesh/-

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